

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Schools and Libraries)	CC Docket No. 02-6
Universal Service Support Mechanism)	
)	
Request for Review and/or Waiver by the)	
Sequoia Union Elementary School District)	Application Nos. 181001076
of a Decision by the)	and 181009036
Universal Service Administrative Company)	

**REQUEST FOR REVIEW AND/OR WAIVER
BY THE SEQUOIA UNION ELEMENTARY SCHOOL DISTRICT
OF A DECISION BY THE
UNIVERSAL SERVICE ADMINISTRATIVE COMPANY**

Pursuant to sections 54.719 and 54.722 of the Commission’s rules, the Sequoia Union Elementary School District¹ (Sequoia or the District) hereby respectfully requests a review of a Universal Service Administrative Company (USAC) decision to deny Schools and Libraries Universal Service (E-rate) funding for Funding Year 2018. Alternatively, Sequoia respectfully requests a waiver of the Commission’s “red light rule,”² an alleged violation of which was the basis for USAC’s denial of Sequoia’s funding request.

Contrary to USAC’s finding, however, Sequoia, had contacted USAC and the U.S. Treasury numerous times within the 30 days to attempt set up a payment plan for the debt. Sequoia was unaware of the debt until USAC’s notification dated March 30, 2018. That

¹ Billed Entity Number 143872.

² 47 C.F.R. § 1.1910.

notification failed to provide Sequoia with the information needed to pay the debt and Sequoia did not receive that information until after the time period to pay had passed.

Because Sequoia was dutifully trying to pay the debt within 30 days of receiving actual notice of the debt, Sequoia did not violate the red light rule. Sequoia also submitted an appeal of USAC's decision to send it a Withholding Letter and diligently tried to pay its debt within 30 days of receiving the Withholding Letter. According to Commission precedent, either action should have stayed the red light process and prevented the dismissal of Sequoia's application for FY 2018. USAC thus should not have dismissed Sequoia's FY 2018 application. USAC's decision to do so should be reversed.

If the Bureau nonetheless agrees with USAC that Sequoia violated the red light rule, Sequoia respectfully asks the Bureau to waive the rule to allow Sequoia's FY 2018 funding request to be processed. The original debt was minuscule and was not the result of waste or fraud. Sequoia acted in good faith, making numerous attempts to pay the debt as soon as it received actual notice of its existence. It is disproportionately punitive to deny \$57,927.74 in E-rate funding over a debt that was repaid without delay once the school district was provided with the information on how to repay it, especially given that the school district was diligently trying to obtain the information within the 30 days. Accordingly, a waiver of the red light rule would be in the public interest.

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I. BACKGROUND

Sequoia Union Elementary School District (Sequoia or the District) is a public school district in Tulare County, California.

Sequoia received a Notice of Withholding of Action Letter (Withholding Letter) for FRN 2638871 dated March 30, 2018.³ The Withholding Letter stated the District owed \$19,681.20 to USAC, stemming from USAC's commitment adjustment (COMAD) letter originally sent to the District on March 8, 2017.⁴ The Withholding Letter noted that USAC had sent two demand letters, on May 8, 2017 and June 8, 2017.⁵ The District had no record of receiving either the COMAD letter or the demand letters, so the Withholding Letter came as a complete surprise.

The Withholding Letter stated that "If no payment is made within 30 days of the date of this letter, any pending applications, appeals or invoices may be dismissed."⁶ This gave the District until April 29, 2018 to resolve the issue before the District's pending FY 2018 application would be dismissed.

Shortly after receiving the Withholding Letter, on April 6, 2018, Perry Jensen, superintendent/principal at Sequoia, reached out to USAC's customer service support, requesting information on the debt and how to repay it.⁷ Because the District did not have the other letters

³ Exhibit 1, Notice of Withholding of Action Letter (Withholding Letter).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Exhibit 2, Email from Perry D. Jensen, superintendent/principal, Sequoia Union Elementary School District, to USAC Customer Support, dated April 6, 2018 ("I urgently need an explanation of this debt, how it was incurred, and the manner in which [repayment] is to be made."). The letter was sent on April 3, 2018, via FedEx so the earliest the District would have received it was April 4, 2018.

referenced in the Withholding Letter, the District did not know how to repay the debt, nor even what violation it allegedly had committed.

Dania Powers, a USAC analyst, provided the commitment adjustment documentation for the District's funding year 2014 Form 471 Application # 968308.⁸ In the COMAD, USAC explained it was reducing Sequoia's commitment from \$19,821 to zero for funding year 2014 because Sequoia did not respond to a request for documentation related to a Payment Quality Assurance (PQA) review by USAC. USAC found that Sequoia applied as a rural school district, but USAC classified it as an urban district. This revision lowered the District's rate from 70 percent to 60 percent, but Sequoia's entire funding request was rescinded, due to its failure to respond to the PQA. The COMAD specifically noted it was not a demand for recovery and USAC did not provide to Sequoia the demand letters it stated it had sent out.

In her email, Ms. Powers also informed the District that the debt had been transferred to the U.S. Treasury and sent the District a phone number, 1-888-826-3127, for the U.S. Treasury.⁹ Other than the phone number, the documentation provided by Ms. Powers did not provide any information regarding how to pay the debt.

To the best of its knowledge, the District never received any communications from either USAC or the U.S. Treasury regarding the debt prior to the issuance of the Withholding Letter.

Per USAC's direction, during the month of April, Superintendent Jensen attempted multiple times to use the phone number provided by USAC to reach someone at the U.S. Treasury to pay the debt. However, the District could never reach anyone at Treasury that could provide this information. A caller to this number reached an automated system with a series of

⁸ Exhibit 3, Email from Dania Powers, customer analyst, finance, USAC, to Perry D. Jensen,

⁹ *Id.*

options, but all of them required a Treasury account number or payment arrangement number, which the District did not have.

On April 24, 2018, the District also filed an appeal with USAC of the Withholding Letter and provided documentation showing why it believes it is a rural district.¹⁰

Because the 30-day deadline was fast-approaching, the District—this time, through its consultant, Infinity Communications and Consulting—reached out to USAC’s customer support again on April 26, 2018, requesting the commitment adjustments be sent to the District to work on resolving this issue.¹¹ In addition to an email request for all supporting information, Infinity also called USAC’s customer service on April 26, 2018, with Case #235289 opened by Brittany Gifford at USAC regarding the District’s request to set up a payment plan for its outstanding debt.¹²

After speaking with Ms. Gifford, the Infinity representative was transferred to Sam at USAC’s customer support to receive further information on the District’s Withholding Letter. Sam advised that once he was able to research into the District’s previous COMAD associated with the Notice of Withholding of Action Letter, he would reply to the District.¹³

On April 27, 2018, the District reached out to Catriona Ayer, vice president of the School and Libraries Division (SLD) at USAC, and informed her that the District was trying to pay its

¹⁰ Exhibit 4, Sequoia Appeal to USAC. Sequoia sent the appeal to the USAC client services bureau, and followed up on its status through its consultant.

¹¹ Exhibit 5, Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support, dated on April 26, 2018.

¹² Exhibit 6, Case # 235289.

¹³ Exhibit 7, Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support, dated on April 26, 2018, following up on April 26, 2018 email.

debt before the 30-day deadline in the Withholding Letter expired.¹⁴ On April 30, 2018, the District received a response from Cyndi Beach with SLD, advising that the District's debt had been transferred to the U.S. Treasury in October 2017, the District should have received information from the U.S. Treasury regarding repayment, and the District would need to contact the U.S. Treasury to set up a payment plan.¹⁵

On May 17, 2018—now past the 30-day deadline and unsure what would happen next—the District filled out an online form on the Treasury's website seeking assistance. A week later, on May 24, U.S. Treasury sent an email, advising the District to contact the U.S. Treasury at 1-800-304-3107 to receive further assistance.¹⁶ After several failed attempts to contact anyone at that phone number, the District emailed the Treasury Customer Service again on May 30, 2018 to request further assistance. This time, on June 4, 2018, the District received a fax number and mailing address from the U.S. Treasury. The Treasury letter indicated it would take a further two or three weeks for the District to hear back after providing the information.¹⁷

Due to the District's multiple attempts to get in contact with the U.S. Treasury without success, the District again reached out to Sam at USAC's customer support for assistance, inquiring as to the status of the District's appeal.¹⁸ The District did not receive a response to its inquiries on June 15, 2018 and June 25, 2018. The District also reached out to Cyndi Beach with

¹⁴ Exhibit 8, Email from Brittany Mosqueda, Infinity, to Catriona Ayer, Schools and Libraries Program, USAC, dated April 27, 2018.

¹⁵ Exhibit 8, Email from Cyndi Beach, Schools and Libraries Program, USAC, to Brittany Mosqueda and Ashton David, Infinity, re: debt transferred to the U.S. Treasury.

¹⁶ Exhibit 9, Emails between Perry Jensen, superintendent/principal, Sequoia Union Elementary School District, and U.S. Treasury customer support dated May-June 2018.

¹⁷ *Id.*

¹⁸ Exhibit 10, Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support dated June 2018.

SLD on June 29, 2018 requesting an update on the district's appeal.¹⁹ The District also did not receive a response from Cyndi Beach for an update on the district's appeal.

On July 6, 2018, the District received the Funding Commitment Decision Letter for the Form 471 Application # 181001076 stating the District's funding was denied due to the District's "red light" status.²⁰

The District again reached out to USAC. Finally, on July 16, 2018, the District was able to obtain its client reference number and account number from Fred Theobald at USAC. With those numbers in hand, the District was able to navigate the Treasury phone options. Just three days later, on July 19, 2018—but more than three months after starting the process—the District finally was able to set up a payment plan. Under the payment plan, the District will pay \$744.82 in a 36-month timespan to complete the debt owed of \$26,813.67.²¹ On August 21, 2018, the District sent the U.S. Treasury the first monthly payment of \$744.82.

Sequoia also appealed USAC's decision to deny its FCC Form 471 in the FCDLs issued on July 6. That appeal was submitted September 4, 2018.²² On October 2, 2018, USAC denied because Sequoia was on the red light list because it owed a debt to the program.²³

Appeals to the Commission of USAC decisions are due within 60 days.²⁴ As such, the instant appeal is timely filed.

¹⁹ Exhibit 11, Email from Ashton David, E-rate Specialist, Infinity, to Cyndi Beach, USAC.

²⁰ Exhibit 12, Funding Commitment Decision Letter.

²¹ This amount includes fees and interest above the initial amount of \$19,681.20.

²² Sequoia filed an amended appeal on September 5 to correct some errors. That appeal was denied as a duplicate appeal at the same time the initial appeal was denied.

²³ Exhibit 13, FRN Status Tool showing RFCDL.

²⁴ See 47 C.F.R. § 54.720(a).

II. SEQUOIA’S APPEAL AND ATTEMPTS TO PAY USAC SHOULD HAVE STAYED THE RED LIGHT PROCESS

Sequoia submitted an appeal of USAC’s decision to send it a Withholding Letter and diligently tried to pay its debt within 30 days of receiving the Withholding Letter. According to Commission precedent, either action should have stayed the red light process and prevented the dismissal of Sequoia’s application for FY 2018.

A. Sequoia’s Submission of an Appeal Should Have Stayed the Red Light Process.

In 2004, the Commission adopted a rule providing that the Commission would withhold action on any application for request for benefits made by an entity that is delinquent in its non-tax debt owed to the Commission, and providing that the Commission would dismiss such applications or requests if the delinquent debt was not resolved.²⁵ Following the adoption of that rule (“red light rule”), the Commission’s *Fifth Report and Order* directed USAC to dismiss any outstanding requests for funding if an applicant does not pay the outstanding debt or make “otherwise satisfactory arrangements” within 30 days of the date of the notice provided by USAC.²⁶ The Commission directed USAC to consider the fact that repayment may depend upon budgetary actions.²⁷ The Commission further noted that applications will not be dismissed if an applicant has challenged either the existence or the amount owed to the Commission.²⁸ The *Fifth Report and Order* specifically noted that the Commission’s rules provide the “opportunity

²⁵ 47 C.F.R. § 1.1910.

²⁶ *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Fifth Report and Order, 19 FCC Rcd 15808, ¶ 42 (2004) (*Fifth Report and Order*).

²⁷ *Id.*

²⁸ *Id.* ¶ 43.

to contest any finding that monies are owed to the fund, and thereby toll the potentially harsh consequences of the red light rule.”²⁹

Consistent with the Commission’s *Fifth Report and Order*, Sequoia filed an appeal on April 24, 2018, with USAC to protest its classification as an urban school. That appeal should have stayed any further action by USAC—including dismissal of Sequoia’s funding year 2018 application—until the appeal was resolved. Even if USAC ultimately found that the appeal was untimely filed or not otherwise persuasive, the dismissal of Sequoia’s FY 2018 application should have been stayed while the appeal was pending.

B. Sequoia’s Attempts to Pay the Debt Should Have Stayed the Red Light Process.

Sequoia's diligence in trying to pay its debt or set up a payment plan within 30 days should have been considered “otherwise satisfactory arrangements.” Until Sequoia received the Withholding Letter on March 30, 2018, Sequoia was not aware it owed any debt to the federal government. Once Sequoia received the Withholding Letter, Sequoia made multiple attempts within the 30 days as allowed by the Withholding Letter to determine what the debt was for and to set up a payment plan to avoid the dismissal of its pending funding year 2018 application.

Sequoia contacted USAC and the U.S. Treasury multiple times to try to get information on how to start making payments so its funding year 2018 application would not be dismissed. The Withholding Letter did not include information regarding how the debt was incurred or how to pay it. It took nearly two months to obtain this information from USAC, even though Sequoia had diligently tried to obtain it. Sequoia desperately reached out to USAC, including to upper management at USAC. While USAC responded to its inquiries, USAC did not provide the

²⁹ *Id.* The Commission also noted that applicants have the right to appeal “any action of USAC,” including the issuance of a demand for funds. *Id.* ¶ 40.

information that Sequoia actually needed to pay its debt at Treasury. It is fundamentally unfair for a district to receive a notice of debt, but then not be able to obtain instructions on how to pay it in a timely fashion.

In addition, Sequoia tried to contact the U.S. Treasury multiple times but was unable to reach anyone at the phone number it was given by USAC. Then, when Sequoia found an online method to contact Treasury, Treasury gave Sequoia a different phone number that also failed to provide Sequoia with the information it needed to repay the debt. It was only weeks later that Treasury finally provided information to Sequoia that allowed it to set up a payment plan. It is also noteworthy that USAC said it transferred the debt to Treasury in October 2017, but Sequoia had never received any information from Treasury between October 2017 and when it tried to contact Treasury beginning in April.

In the meantime, USAC dismissed Sequoia's FY 2018 application, even though Sequoia had contacted USAC, including USAC upper management, many times to obtain the information it needed to satisfy the \$19,681.20 debt. There would have been no harm to the fund for USAC, once it provided the required information to Sequoia, to wait a few days or weeks to ensure that Sequoia was actually going to pay its debt. If Sequoia failed to make good on its promise to do so, USAC could have still dismissed Sequoia's pending FY 2018 application.

When Sequoia received the necessary information from USAC, it was finally able to set up a payment plan with the U.S. Treasury. Now that Sequoia has been able to obtain the necessary information and set up a payment plan, the Commission should direct USAC to reinstate the FY2018 application, which should not have been dismissed in the first place.

III. IN THE ALTERNATIVE, A WAIVER OF THE COMMISSION'S RULES IS IN THE PUBLIC INTEREST

As we have explained, Sequoia did not violate the red light rule; Sequoia appealed USAC's decision and its stated desire to pay the debt should have satisfied the Commission's direction for USAC to work with applicants attempting to pay. Sequoia made numerous attempts to repay the debt. Should the Bureau disagree, however, Sequoia respectfully requests in the alternative that the Bureau waive the red light rule in order to grant the requested relief.

Any of the Commission's rules may be waived if good cause is shown.³⁰ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.³¹ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³²

A waiver would further the goals of the E-rate program without undermining the purpose of the red light rule and would thus be in the public interest. The purpose of the debt collection rules and procedures is not to punish debtors, but to provide incentives to repay the money owed.³³ Such an incentive is not present where, as here, the debtor is not even aware of the debt. There was no fraud, no bad faith, not even negligence on the part of Sequoia. Accordingly, the public interest is not served by dismissing Sequoia's FY 2018 application because the Commission's policy goals are not met.

³⁰ 47 C.F.R. § 1.3.

³¹ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

³² *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

³³ *Fifth Report and Order*, 19 FCC Rcd ¶ 42 (stating that adopting debt collection requirements for the E-rate program "would be beneficial to the administration of the program in the prevention of waste, fraud and abuse . . . as it would strengthen incentives for beneficiaries and service providers to comply with the statute and our rules").

Because Sequoia was attempting to make “satisfactory arrangements” to pay and because Sequoia submitted an appeal of USAC’s decision, the Commission should waive its rule requiring USAC to dismiss the application within 30 days of the notice of withholding. It is patently unfair to applicants to require an action to avoid further consequences, but then not provide any information regarding how to perform that action.

In considering this waiver request, Sequoia asks that the Commission take into account that Sequoia attempted multiple times and with increasing desperation to pay the debt within the days it was given in the Withholding Letter. USAC was well aware that Sequoia was trying to get the information it needed to pay the debt or at least set up a payment plan, but nevertheless moved forward with the dismissal of Sequoia’s pending application. Sequoia is being punished twice for an alleged error it still does not understand.³⁴ In addition to paying back funding that Sequoia does not believe it owes from FY 2014, Sequoia also is being denied FY 2018 funding because USAC failed to provide the information Sequoia needed in order to pay its debt within 30 days. Loss of essentially two years’ worth of E-rate funding would cause significant harm to Sequoia. Granting this waiver request would not harm the E-rate fund nor prejudice any other applicant.

Sequoia therefore respectfully requests that the Bureau waive the Commission’s rules to the extent necessary to reverse USAC’s dismissal of the FY 2018 application and instruct USAC to review Sequoia’s FY2018 application.

³⁴ Sequoia still does not understand why USAC is claiming it is an urban school district when Sequoia believes it is a rural district. Sequoia now understands that it is too late to appeal USAC’s initial finding.

IV. CONCLUSION

The Sequoia Union Elementary School District made multiple attempts to pay its debt before the 30-day deadline (April 29, 2018) given in the Withholding Letter. Due to the District's appeal and multiple attempts to pay its debt prior to the deadline, Sequoia requests that the funding denial of the Form 471 Application #181001076 be overturned, and the application be reinstated. The District also formally requests that USAC acknowledge the District has been removed from the red light list now that it has finally been able to set up a payment plan for its debt.

Respectfully submitted,

/s/ Brittany Mosqueda

Brittany Mosqueda
E-rate Compliance Manager
Infinity Communications and Consulting
P.O. Box 999
Bakersfield, CA 93302
661-716-1840
bmosqueda@infinitycomm.com

November 30, 2018

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Request for Review will be sent via email to the Schools and Libraries Division, Universal Service Administrative Company at the Appeals@USAC.org address.

/s/ Brittany Mosqueda

Brittany Mosqueda

List of Exhibits

Affidavit of Perry D. Jensen

- Exhibit 1 Notice of Withholding of Action Letter
- Exhibit 2 Email from Perry D. Jensen, superintendent/principal, Sequoia Union Elementary School District, to USAC Customer Support, dated April 6, 2018
- Exhibit 3 Email from Dania Powers, customer analyst, finance, USAC, to Perry D. Jensen
- Exhibit 4 Sequoia Appeal to USAC
- Exhibit 5 Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support, dated on April 26, 2018
- Exhibit 6 Case # 235289
- Exhibit 7 Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support, dated on April 26, 2018, following up on April 26, 2018 email
- Exhibit 8 Email from Brittany Mosqueda, Infinity, to Catriona Ayer, Schools and Libraries Program, USAC, dated April 27, 2018 and Email from Cyndi Beach, Schools and Libraries Program, USAC, to Brittany Mosqueda and Ashton David, Infinity, re: debt transferred to the U.S. Treasury
- Exhibit 9 Emails between Perry Jensen, superintendent/principal, Sequoia Union Elementary School District, and U.S. Treasury customer support dated May-June 2018
- Exhibit 10 Email from Ashton David, E-rate Specialist, Infinity, to USAC customer support dated June 2018
- Exhibit 11 Email from Email from Ashton David, E-rate Specialist, Infinity, to Cyndi Beach, USAC
- Exhibit 12 Funding Commitment Decision Letter
- Exhibit 13 FRN Status Tool showing RFCDL


Affidavit of Perry D. Jensen

STATE OF CALIFORNIA)
)
)
COUNTY OF TULARE)

I, Perry D. Jensen, swear:


1. That I am the Superintendent and Principal for the Sequoia Union Elementary School District I was hired by the district for that position in July 2017.
2. That I have read the foregoing appeal and avow the information stated therein is true and correct to the best of my knowledge and belief.

Further Affiant Sayeth Not.

 11/30/2018

Perry D. Jensen
Superintendent/Principal
Sequoia Union Elementary School District
23958 Ave 324
Lemon Cove, CA 93244-4260
559-564-2106

STATE OF CALIFORNIA)
) SS
COUNTY OF TULARE)


Perry D. Jensen

Notary Public
2022

My Commission Expires: February 28, 2022



EXHIBIT 1



Universal Service
Administrative Co.

Notice of Withholding of Action

March 30, 2018

Eric Henson
SEQUOIA UNION ELEMENTARY SD
23958 AVENUE 324
LEMON COVE, CA 93244

Re: Notification of Withholding of Action Pending Red Light Rule

Application Number pending commitment: 181009036, 181001076
Billed Entity: 143872
Fund Year: 2018

The Universal Service Administrative Company (USAC) has received funding requests and/or appeals for the applications cited above for funding under the Schools and Libraries Universal Service Support Mechanism (E-Rate). The Billed Entity associated with these applications holds the FCC Registration Number 0023438831.

As required by 47 C.F.R. § 1.1910(a)(1), we have reviewed our records and determined that as of 03/30/2018, you or an entity sharing the same Taxpayer Identification Number (TIN) is delinquent on the payment of the following debt owed to USAC.

SEQUOIA UNION ELEMENTARY SD \$19,681.20

This outstanding debt stems from USAC's Commitment Adjustment (COMAD) actions related to the following FRNs 2638871 of the BEN listed above. You were previously notified of program rule violation(s) which necessitated USAC's COMAD Notification for these FRNs via Commitment Adjustment Letter dated 03/08/17. Additionally, you were notified of the associated debt amount(s) via the First Demand Payment Letter Issued on 5/08/2017, Second Demand Payment Letter Issued on 6/08/2017.

If you have any questions regarding the debt owed to USAC, please contact us at:

Address: USAC Billing, Collections, and Disbursements
Attention: Red Light Inquiries
700 12th Street, N.W.
Washington DC 20005.

Telephone: (888) 641-8722

Facsimile: (888) 637-6226

Pursuant to 47 CFR § 1.1910(b), no further funding commitments or disbursements will be made until the complete debt owed to **USAC** is satisfied and/or arrangements have been made to pay the delinquent debt.. **If no payment is made within 30 days of the date of this letter, any pending applications, appeals or invoices may be dismissed.** This means that any funding requests filed on the Form(s) 471 listed above will be denied and any appeals associated with the Billed Entity will not be reviewed.

Please be advised that any future applications, appeals, or invoices to the FCC or its reporting components, including but not limited to support from the Universal Service Fund, payments from the Telecommunications Relay Services Fund, or the issuance of telephone numbers from the North American Numbering Plan Administrator, will be reviewed to determine if any delinquent debts are outstanding.

Sincerely,

Schools and Libraries Division
Universal Service Administrative Company

EXHIBIT 2

USAC

(888) 641-8722 Opt. 4

customersupport@usac.org | www.usac.org

From: Perry Jensen [<mailto:pjensen@sequoiaunion.org>]

Sent: Friday, April 06, 2018 12:20 PM

To: Customer Support <bcd.customerservice@usac.org>; Ashton David <adavid@infinitycomm.com>

Cc: Milo Gorden <mgorden@sequoiaunion.org>

Subject: Fwd: Attached Image

I have been in numerous phone conversations since receipt of this letter (attached). I have included other account information that we have in our possession to confirm any and all background information tat you might require.

The "**Notice of Withholding of Action**" was at least clarified as a debt owed to USAC through my most recent conversation with one of your representatives, James, during our phone call that started at approximately 8:10 a.m PST and concluded at approximately 8:50 a.m. today. He was unable to shed any light as to why this debt was incurred, except to state that the "Red Light Rule" implied misuse or misappropriation of funds. As the new Superintendent of Sequoia Union Elementary School to hear this type of information is unsettling to say the very least. I urgently need an explanation of this debt, how it was incurred, and the manner in which repaiment is to be made.

Respectfully,

Perry D. Jensen

Superintendent/Principal

Sequoia Union Elementary School District

Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

----- Forwarded message -----

From: **Sequoia Union School** <copier@sequoia.k12.ca.us>

Date: 2018-04-06 8:53 GMT-07:00

Subject: Attached Image

To: "Perry D. Jensen" <pjensen@sequoiaunion.org>

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

EXHIBIT 3

From: [Perry Jensen](#)
To: [Customer Support](#); [Ashton David](#)
Cc: [Velinda McBride](#)
Subject: Re: Attached Image
Date: Friday, April 6, 2018 1:06:19 PM

I am in receipt of your information, and am at a loss as to how we would be classified as an "Urban" School. We are situated off a rural road and are wholly surrounded by Orange Groves, Feed Lots, and Olive Orchards. How did your office conclude that we were "Urban?" It is my concern that our school name has been transposed to that of another "Sequoia Union...." School. We are looking into how to validate our status for your office. Though well before my time, I do apologize for information not being transmitted to your office in a timely manner.

Respectfully,

Perry D. Jensen
Superintendent/Principal
Sequoia Union Elementary School District
Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

On Fri, Apr 6, 2018 at 10:11 AM, Customer Support <bcd.customerservice@usac.org> wrote:

Good afternoon

This information was sent to 'copier@sequoia.k12.ca.us' this morning. He did call in yesterday requesting this information. Please see below the response to the issue. Attached is also the supporting details that was sent to him.

Good morning

As you requested yesterday more information on why your disbursement is being withheld. Please see attachment. This is the letter that you should of gotten back around October 2017. If you have more questions regarding this letter please contact schools and libraries to find out where this debt came from contact 888-203-8100. If you are trying to pay this debt Usac has now transferred this over to treasury. Please contact treasury for instructions on how to pay this debt at 888-826-3127.

Dania Powers

Thank You

Customer Analyst | Finance

USAC

(888) 641-8722 Opt. 4

customersupport@usac.org | www.usac.org

From: Perry Jensen [<mailto:pjensen@sequoiaunion.org>]

Sent: Friday, April 06, 2018 12:20 PM

To: Customer Support <bcd.customerservice@usac.org>; Ashton David <adavid@infinitycomm.com>

Cc: Milo Gorden <mgorden@sequoiaunion.org>

Subject: Fwd: Attached Image

I have been in numerous phone conversations since receipt of this letter (attached). I have included other account information that we have in our possession to confirm any and all background information that you might require.

The "**Notice of Withholding of Action**" was at least clarified as a debt owed to USAC through my most recent conversation with one of your representatives, James, during our phone call that started at approximately 8:10 a.m PST and concluded at approximately 8:50 a.m. today. He was unable to shed any light as to why this debt was incurred, except to state that the "Red Light Rule" implied misuse or misappropriation of funds. As the new Superintendent of Sequoia Union Elementary School to hear this type of information is unsettling to say the very least. I urgently need an explanation of this debt, how it was incurred, and the manner in which repayment is to be made.

Respectfully,

Perry D. Jensen

Superintendent/Principal

Sequoia Union Elementary School District

Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

----- Forwarded message -----

From: **Sequoia Union School** <copier@sequoia.k12.ca.us>

Date: 2018-04-06 8:53 GMT-07:00

Subject: Attached Image

To: "Perry D. Jensen" <pjensen@sequoiaunion.org>

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

EXHIBIT 4



SEQUOIA UNION | ELEMENTARY SCHOOL

Mr. Perry D. Jensen
Superintendent/Principal

Date: April 24, 2018
From: Mr. Perry D. Jensen, Superintendent
Re: Appeal

Billed Entity Name: Sequoia Union Elementary School District
Form 471 App Num: 181001076
Billed Entity Number: 143872
FCC Registration Num: 2638871

This Letter is to serve as an Appeal to the "Notice of Withholding of Action my office received on 4 April, dated March 30, 2018.

I am the new Superintendent/Principal of Sequoia Union Elementary School. I have been working with our e-rate provider "Infinity" striving to understand this matter. It is my understanding that USAC has us listed as an Urban School District, yet your own documentation shows that we are a Rural School District. It is also my understanding that document requests were made of the former IT for Sequoia, as far back as 2015, for clarification on this matter. My Office Manager is prepared to provide copies of our bills related to this matter to your firm upon request. As I have been here just 9 months and this bill comes as quite a hefty shock. I am attaching several documents along with this Letter of Appeal, in an effort to support our claim, that we are in fact a rural school. I implore you to help us find a way to resolve this matter in an equitable way. Your candid review of our documentation and a response of what additional documentation, if any, will be necessary to validate that we are in fact a rural school.

I would be more than willing to answer any additional questions you might have by contacting me either at pjensen@sequoiaunion.org or by phone at (559) 769-5755.

Respectfully,

Perry D. Jensen
Superintendent/Principal
Sequoia Union Elementary School District

EXHIBIT 5

From: Ashton David
To: customersupport@usac.org
Cc: [Brittany Mosqueda](#)
Subject: Sequoia Union Elementary School District- COMADs Request
Attachments: [image001.png](#)
[SL Program Recovery FRN 2638871 SEQUOIA.PDF](#)
[3 - L.O.A. Sequoia Union ESD.PDF](#)
Importance: High

Good Morning,

My name is Ashton David and I'm sending this correspondence on behalf of the Sequoia Union Elementary School District as their E-Rate Consultant.

Recently, the district received the attached red-light letter seeking recovery of funds due to a previous COMAD request sent to the district back on March 8th, 2017. Unfortunately, the district recently underwent staff changes and due to the changes, we are requesting that all COMADs be sent over for review as we would like to take care of any outstanding items.

Can you please assist with sending over any COMADs and outstanding items needed for the Sequoia Union Elementary School District at your earliest convenience?

Additionally, I've attached the letter of authorization stating my permission to work on behalf of the district as their E-Rate consultant.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

661 716 1840 | Office

661 716 1841 | Fax

adavid@infinitycomm.com

[Infinity Blog](#) | [Infinity Website](#)



EXHIBIT 6

From: portal@usac.org
To: [Ashton David](#)
Subject: USAC Notification: New Customer Service Case Created
Date: Thursday, April 26, 2018 1:10:40 PM



Hello,

The USAC Client Service Bureau has created the following case:

Description: Got a notice of withholding of action for a previous COMAD case, and has 30 days to pay. How do they pay USAC, and can we set up a payment plan?

Priority: Medium

Created By: Brittany Gifford

Received: 4/26/2018 2:10 PM EDT

Case Number: 235289

If the details of the case are not correct, you may view/modify the case record [here](#) or contact us by phone at (888) 203-8100.

Thank you.

Universal Service Administration Company

NOTE: Please do not reply to this email.

This message has been sent by EPC

EXHIBIT 7

From: Ashton David
To: ["customersupport@usac.org"](mailto:customersupport@usac.org)
Cc: [Brittany Mosqueda](#)
Subject: RE: Sequoia Union Elementary School District- COMADs Request
Attachments: [image001.png](#)
Importance: High

Good Afternoon,

I just wanted to follow up via email regarding my phone call earlier with Sam discussing the Sequoia Union Elementary School District.

I first spoke with Brittany Gifford who directed me to Sam at customer support. After reaching Sam, he advised that he is currently working on this issue and will respond to my previous email below requesting all COMADs within 24 hours. At this time, no information was able to be provided to me on a payment plan.

Sam advised once he's able to research into the district's previous COMAD associated to the notice of withholding of action letter, he will reply to all parties (Brittany and myself), on my previous email request advising of next steps. When I inquired about the district's red-light status, Sam stated he's unable to confirm whether or not the district will be placed on red light status until he does his research. As he has had the district's COMAD request associated to this notice of withholding of action letter flagged since December 23rd, 2017.

Can you please confirm that all parties on this email will be notified of next steps once they're determined by USAC after this issue is reviewed? As we want to ensure the district is not placed in red light status on their applications for the upcoming funding year 2018-2019.

Thank you for all of your assistance!

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

Infinity Communications and Consulting Inc.

From: Ashton David
Sent: Thursday, April 26, 2018 9:23 AM
To: customersupport@usac.org
Cc: Brittany Mosqueda
Subject: Sequoia Union Elementary School District- COMADs Request
Importance: High

Good Morning,

My name is Ashton David and I'm sending this correspondence on behalf of the Sequoia Union Elementary School District as their E-Rate Consultant.

Recently, the district received the attached red-light letter seeking recovery of funds due to a previous COMAD request sent to the district back on March 8th, 2017. Unfortunately, the district recently underwent staff changes and due to the changes, we are requesting that all COMADs be sent over for review as we would like to take care of any outstanding items.

Can you please assist with sending over any COMADs and outstanding items needed for the Sequoia Union Elementary School District at your earliest convenience?

Additionally, I've attached the letter of authorization stating my permission to work on behalf of the district as their E-Rate consultant.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

661 716 1840 | Office

661 716 1841 | Fax

adavid@infinitycomm.com

[Infinity Blog](#) | [Infinity Website](#)



EXHIBIT 8

From: Cyndi Beach
To: [Brittany Mosqueda](#); [Ashton David](#)
Cc: [Catriona Ayer](#); [Tracey Beaver](#)
Subject: FW: Sequoia Union Elementary School District- COMADs Request
Date: Monday, April 30, 2018 10:33:56 AM
Attachments: [image001.png](#)
Importance: High

Hello,

Your inquiry below has been referred to me to investigate. The debt identified for Sequoia in the amount of \$19,681.20 was transferred to the US Treasury for collection back in October 2017. The school would have received correspondence from the US Treasury. Any payment arrangements would have to be made with them.

Please call me at the number listed below and I will attempt to provide you what information I can.

Regards,

Cynthia Beach

[Schools and Libraries Program](#)

[Universal Service Administrative Company](#)

[Telephone: 202-772-5201](#)

From: Brittany Mosqueda [<mailto:BMosqueda@infinitycomm.com>]

Sent: Friday, April 27, 2018 5:04 PM

To: Catriona Ayer

Cc: Ashton David; Fred Brakeman

Subject: FW: Sequoia Union Elementary School District- COMADs Request

Importance: High

Hi Catriona,

I just wanted to make sure that you received this email as well as the Customer Support department at USAC. Sequoia received a Red Light letter and today is the deadline for payment. Please see Ashton's email below. She called to inquire about a payment plan and spoke to Sam but he stated that they had to review the applicant's appeal first. We completely understand this but we would like to make sure that it is on record that we reached out prior to the 30 day deadline and would like to ensure the district is not placed on red light status.

Ashton requested for Sam's last name and his email but she was directed to email the Customer Support email and refer to Sam as just Sam with no last name since he is the only Sam.

Again, I just wanted to reach out and confirm that this is being put on the record that we have reached out regarding the Red Light Letter and wanted to follow that up in writing.

Thank you ,

Brittany Mosqueda

[E-Rate Compliance Manager](#)

[Infinity Communications and Consulting Inc.](#)

From: Ashton David

Sent: Thursday, April 26, 2018 2:17 PM

To: 'customersupport@usac.org' <customersupport@usac.org>

Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>

Subject: RE: Sequoia Union Elementary School District- COMADs Request

Importance: High

Good Afternoon,

I just wanted to follow up via email regarding my phone call earlier with Sam discussing the Sequoia Union Elementary School District.

I first spoke with Brittany Gifford who directed me to Sam at customer support. After reaching Sam, he advised that he is currently working on this issue and will respond to my previous email below requesting all COMADs within 24 hours. At this time, no information was able to be provided to me on a payment plan.

Sam advised once he's able to research into the district's previous COMAD associated to the notice of withholding of action letter, he will reply to all parties (Brittany and myself), on my previous email request advising of next steps. When I inquired about the district's red-light status, Sam stated he's unable to confirm whether or not the district will be placed on red light status until he does his research. As he has had the district's COMAD request associated to this notice of withholding of action letter flagged since December 23rd, 2017.

Can you please confirm that all parties on this email will be notified of next steps once they're determined by USAC after this issue is reviewed? As we want to ensure the district is not placed in red light status on their applications for the upcoming funding year 2018-2019.

Thank you for all of your assistance!

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

Infinity Communications and Consulting Inc.

From: Ashton David

Sent: Thursday, April 26, 2018 9:23 AM

To: customersupport@usac.org

Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>

Subject: Sequoia Union Elementary School District- COMADs Request

Importance: High

Good Morning,

My name is Ashton David and I'm sending this correspondence on behalf of the Sequoia Union Elementary School District as their E-Rate Consultant.

Recently, the district received the attached red-light letter seeking recovery of funds due to a previous COMAD request sent to the district back on March 8th, 2017. Unfortunately, the district recently underwent staff changes and due to the changes, we are requesting that all COMADs be sent over for review as we would like to take care of any outstanding items.

Can you please assist with sending over any COMADs and outstanding items needed for the Sequoia Union Elementary School District at your earliest convenience?

Additionally, I've attached the letter of authorization stating my permission to work on behalf of the district as their E-Rate consultant.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

661 716 1840 | Office

661 716 1841 | Fax

adavid@infinitycomm.com

[Infinity Blog](#) | [Infinity Website](#)



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EXHIBIT 9

From: Perry Jensen
To: [Ashton David](#)
Subject: Fwd: Government Debt Owed
Date: Thursday, August 2, 2018 1:26:55 PM

Perry D. Jensen
Superintendent/Principal
Sequoia Union Elementary School District
Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

----- Forwarded message -----

From: Perry Jensen <pjensen@sequoiaunion.org>
Date: Mon, Jun 4, 2018 at 8:09 AM
Subject: Re: Government Debt Owed
To: TOP Customer Support <TOP.Customer.Support@fiscal.treasury.gov>

I appreciate the address that is in this letter. I would like to understand why the phone number **1-800-304-3107**, which in your previous email was made available to provide me information didn't do what your email implied that it would.

Perry D. Jensen
Superintendent/Principal
Sequoia Union Elementary School District
Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

On Mon, Jun 4, 2018 at 7:59 AM, TOP Customer Support <TOP.Customer.Support@fiscal.treasury.gov> wrote:

Dear Mr. Jensen:

This is in response to your recent email inquiry.

All requests for written proof of offset information must be in writing. We cannot accept your request via e-mail. You can fax (preferred) or mail the request to the following:

Facsimile Number: (205) 912-6155

or

Department of the Treasury
Financial Management Service
P. O. Box 1686
Birmingham, AL 35201

Your request must include the following:

1. Name (also of spouse if joint return)

2. Social Security Number (or both numbers if joint return)
3. Current Mailing Address
4. Approximate Dates and Amounts of the Offsets (if known)
5. **Signature** (also of spouse if joint return)

Allow 2-3 weeks for your request to be processed. The information will have to be mailed to you; we cannot fax or email it.

Treasury Offset Program

US Treasury- Bureau of the Fiscal Service

From: Perry Jensen [mailto:pjensen@sequoiaunion.org]
Sent: Wednesday, May 30, 2018 12:41 PM
To: TOP Customer Support <TOP.Customer.Support@fiscal.treasury.gov>
Subject: Re: Government Debt Owed

I made several attempts to contact the Treasury Department following the directions provided in your email to no avail. I made various other attempts at talking to an actual human by utilizing other lines within your automated system, again with no avenue to talk with a human. I would like to get the matter of this payment resolved, but am unable to move forward in this effort as I cannot talk with a representative in order to ascertain what must be done. Is it possible to be forwarded a phone number or an address that I can talk with an actual representative, or forward my questions to.

Perry D. Jensen

Superintendent/Principal

Sequoia Union Elementary School District

Work (559) 564-2106 Fax (559) 564-2136

Happiness is not the amount of money you make, but the number of lives that are better, because you were in them.

On Thu, May 24, 2018 at 4:57 AM, TOP Customer Support

<TOP.Customer.Support@fiscal.treasury.gov> wrote:

Dear Mr. Jensen:

This is in response to your recent email inquiry.

Please contact us toll free at 1-800-304-3107 and we will be happy to assist you further. Press option 1, then option 2 and then option 5 to speak to a customer service representative on Monday-Friday from 7:30am CST to 5:00pm CST.

Treasury Offset Program

U. S. Treasury- Bureau of the Fiscal Service

From: pjensen@sequoiaunion.org [mailto:pjensen@sequoiaunion.org]

Sent: Thursday, May 17, 2018 3:04 PM

To: top.customer.service@fiscal.treasury.gov

Subject: Fiscal Service Web Site Automated Comment Form

Fiscal Service Web Site Automated Comment Form	
1: Fiscal Service website Comment Form:	This inquiry was submitted through the Fiscal Service website using the on-line Comment Form and has been routed to the appropriate program area for reply. Please reply directly to sender. A copy has also been sent to the e-mail address provided by the sender.
2: Name:	Perry D Jensen
	I am the new Superintendent/Principal for Sequoia Union Elementary School District. We have received news of an overdue bill from USAC, that has

3: Comments:	transferred hands to the FCC, and it is now in the hands of the Treasury Department. My office has not received a bill from the Treasury department. It would be greatly appreciated if we could get some information related to this inquiry.
FormRoutedTo:	top.customer.service@fiscal.treasury.gov

EXHIBIT 10

From: Ashton David
To: ["customersupport@usac.org"](mailto:customersupport@usac.org)
Cc: [Brittany Mosqueda](#)
Subject: RE: Sequoia Union Elementary School District- COMADs Request Update- 2nd Attempt
Attachments: [image001.png](#)
Importance: High

Good Morning Sam,

I wanted to follow up with you regarding the Sequoia Union Elementary School District's COMAD letter they sent in an appeal for back in April. Can you please provide an update on the status of the district's appeal? As I want to ensure we are doing all we can on our side and following all the necessary steps.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist II

[Infinity Communications and Consulting Inc.](#)

From: Ashton David
Sent: Friday, June 15, 2018 2:23 PM
To: 'customersupport@usac.org'
Cc: Brittany Mosqueda
Subject: RE: Sequoia Union Elementary School District- COMADs Request

Good Afternoon Sam,

I wanted to follow up with you regarding the Sequoia Union Elementary School District's COMAD letter they sent in an appeal for back in April. Can you please provide an update on the status of the district's appeal? As I want to ensure we are doing all we can on our side and following all the necessary steps.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist II

[Infinity Communications and Consulting Inc.](#)

From: Ashton David
Sent: Thursday, April 26, 2018 2:17 PM
To: 'customersupport@usac.org' <customersupport@usac.org>
Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>
Subject: RE: Sequoia Union Elementary School District- COMADs Request
Importance: High

Good Afternoon,

I just wanted to follow up via email regarding my phone call earlier with Sam discussing the Sequoia Union Elementary School District.

I first spoke with Brittany Gifford who directed me to Sam at customer support. After reaching Sam, he advised that he is currently working on this issue and will respond to my previous email below requesting all COMADs within 24 hours. At this time, no information was able to be provided to me on a payment plan.

Sam advised once he's able to research into the district's previous COMAD associated to the notice

of withholding of action letter, he will reply to all parties (Brittany and myself), on my previous email request advising of next steps. When I inquired about the district's red-light status, Sam stated he's unable to confirm whether or not the district will be placed on red light status until he does his research. As he has had the district's COMAD request associated to this notice of withholding of action letter flagged since December 23rd, 2017.

Can you please confirm that all parties on this email will be notified of next steps once they're determined by USAC after this issue is reviewed? As we want to ensure the district is not placed in red light status on their applications for the upcoming funding year 2018-2019.

Thank you for all of your assistance!

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

Infinity Communications and Consulting Inc.

From: Ashton David

Sent: Thursday, April 26, 2018 9:23 AM

To: customersupport@usac.org

Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>

Subject: Sequoia Union Elementary School District- COMADs Request

Importance: High

Good Morning,

My name is Ashton David and I'm sending this correspondence on behalf of the Sequoia Union Elementary School District as their E-Rate Consultant.

Recently, the district received the attached red-light letter seeking recovery of funds due to a previous COMAD request sent to the district back on March 8th, 2017. Unfortunately, the district recently underwent staff changes and due to the changes, we are requesting that all COMADs be sent over for review as we would like to take care of any outstanding items.

Can you please assist with sending over any COMADs and outstanding items needed for the Sequoia Union Elementary School District at your earliest convenience?

Additionally, I've attached the letter of authorization stating my permission to work on behalf of the district as their E-Rate consultant.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

661 716 1840 | Office

661 716 1841 | Fax

adavid@infinitycomm.com

[Infinity Blog](#) | [Infinity Website](#)



EXHIBIT 11

From: Ashton David
To: [Cyndi Beach](#); [Brittany Mosqueda](#)
Cc: [Catriona Ayer](#); [Tracey Beaver](#)
Subject: RE: Sequoia Union Elementary School District- COMAD Appeal Update Request
Attachments: [image001.png](#)
[RE Sequoia Union Elementary School District- COMADs Request Update- 2nd Attempt .msg](#)
Importance: High

Good Afternoon Cyndi,

Due to my previous failed attempted to reach Sam at USAC's customer service via the attached email string regarding the status of the Sequoia Union Elementary School District's COMAD appeal. I wanted to follow up with you regarding the appeal's current status as the district sent in the appeal back in April. Can you please provide an update on the status of the district's appeal? As I want to ensure we are doing all we can on our side and following all the necessary steps in this process. If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist II

Infinity Communications and Consulting Inc.

From: Cyndi Beach
Sent: Monday, April 30, 2018 8:34 AM
To: Brittany Mosqueda ; Ashton David
Cc: Catriona Ayer ; Tracey Beaver
Subject: FW: Sequoia Union Elementary School District- COMADs Request
Importance: High

Hello,

Your inquiry below has been referred to me to investigate. The debt identified for Sequoia in the amount of \$19,681.20 was transferred to the US Treasury for collection back in October 2017. The school would have received correspondence from the US Treasury. Any payment arrangements would have to be made with them. Please call me at the number listed below and I will attempt to provide you what information I can.

Regards,

Cynthia Beach

Schools and Libraries Program

Universal Service Administrative Company

Telephone: 202-772-5201

From: Brittany Mosqueda [<mailto:BMosqueda@infinitycomm.com>]
Sent: Friday, April 27, 2018 5:04 PM
To: Catriona Ayer
Cc: Ashton David; Fred Brakeman
Subject: FW: Sequoia Union Elementary School District- COMADs Request
Importance: High

Hi Catriona,

I just wanted to make sure that you received this email as well as the Customer Support department at USAC. Sequoia received a Red Light letter and today is the deadline for payment. Please see

Ashton's email below. She called to inquire about a payment plan and spoke to Sam but he stated that they had to review the applicant's appeal first. We completely understand this but we would like to make sure that it is on record that we reached out prior to the 30 day deadline and would like to ensure the district is not placed on red light status.

Ashton requested for Sam's last name and his email but she was directed to email the Customer Support email and refer to Sam as just Sam with no last name since he is the only Sam.

Again, I just wanted to reach out and confirm that this is being put on the record that we have reached out regarding the Red Light Letter and wanted to follow that up in writing.

Thank you ,

Brittany Mosqueda

E-Rate Compliance Manager

Infinity Communications and Consulting Inc.

From: Ashton David

Sent: Thursday, April 26, 2018 2:17 PM

To: 'customersupport@usac.org' <customersupport@usac.org>

Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>

Subject: RE: Sequoia Union Elementary School District- COMADs Request

Importance: High

Good Afternoon,

I just wanted to follow up via email regarding my phone call earlier with Sam discussing the Sequoia Union Elementary School District.

I first spoke with Brittany Gifford who directed me to Sam at customer support. After reaching Sam, he advised that he is currently working on this issue and will respond to my previous email below requesting all COMADs within 24 hours. At this time, no information was able to be provided to me on a payment plan.

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Can you please confirm that all parties on this email will be notified of next steps once they're determined by USAC after this issue is reviewed? As we want to ensure the district is not placed in red light status on their applications for the upcoming funding year 2018-2019.

Thank you for all of your assistance!

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

Infinity Communications and Consulting Inc.

From: Ashton David

Sent: Thursday, April 26, 2018 9:23 AM

To: customersupport@usac.org

Cc: Brittany Mosqueda <BMosqueda@infinitycomm.com>

Subject: Sequoia Union Elementary School District- COMADs Request

Importance: High

Good Morning,

My name is Ashton David and I'm sending this correspondence on behalf of the Sequoia Union Elementary School District as their E-Rate Consultant.

Recently, the district received the attached red-light letter seeking recovery of funds due to a previous COMAD request sent to the district back on March 8th, 2017. Unfortunately, the district recently underwent staff changes and due to the changes, we are requesting that all COMADs be sent over for review as we would like to take care of any outstanding items.

Can you please assist with sending over any COMADs and outstanding items needed for the Sequoia Union Elementary School District at your earliest convenience?

Additionally, I've attached the letter of authorization stating my permission to work on behalf of the district as their E-Rate consultant.

If any additional information is needed, please let me know.

Thank you,

Ashton David

E-Rate Specialist

661 716 1840 | Office

661 716 1841 | Fax

adavid@infinitycomm.com

[Infinity Blog](#) | [Infinity Website](#)



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EXHIBIT 12

Funding Commitment Decision Letter

Funding Year 2018

Contact Information:

Ashton David
SEQUOIA UNION ELEM SCHOOL DIST
23958 AVENUE 324
LEMON COVE, CA 93244
adavid@infinitycomm.com

FCC Form 471: 181001076**BEN:** 143872**Wave:** 13**Application Nickname:** Sequoia Union ESD Yr21 I
A

Totals

Total Committed	\$0.00
------------------------	---------------

What is in this letter?

Thank you for submitting your application for Funding Year 2018 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the funding statuses for the FCC Form(s) 471, Services Ordered and Certification Form, that you submitted and referenced above.

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying the full cost for the services you receive.
2. Review the [Children's Internet Protection Act \(CIPA\)](#) requirements and file the [FCC Form 486](#) (Service Confirmation and CIPA Certification Form). **The deadline to submit this form is 120 days from the date of this letter or from the service start date (whichever is later).**



3. Invoice USAC

- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
- **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
- **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

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For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).



Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake to assure that committed funds are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction of USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Funding Commitment Decision Overview

Funding Year 2018

Application Comments for FCC Form 471: #181001076

The applicant did not submit any RAL corrections.

Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Amount Requested	Amount Committed	Status
1899001463	Tulare County Office Of Education	\$8,400.00	\$0.00	Denied



BEN Name: SEQUOIA UNION ELEM SCHOOL DIST **FCC Form 471:** 181001076
BEN: 143872 **Wave:** 13

FRN 1899001463	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$12,000.00
Total Pre-discount Charges		\$12,000.00	
Discount Rate		70.00%	
Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2018
Contract Expiration Date	6/30/2020
Contract Award Date	4/27/2017
Service Delivery Deadline	9/30/2019
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Tulare County Office Of Education
SPIN (498ID)	143005947
Contract Number	
Account Number	
Establishing FCC Form 470	170075622

Consultant Information	
Consultant Name	Ashton David
Consultant's Employer	Infinity Communications & Consulting
CRN	16043605

Funding Commitment Decision Comments

DR1: On 5/3/2018 your application was denied because you are on Red Light status with the FCC as of March 30, 2018.

Funding Commitment Decision Letter

Funding Year 2018

Contact Information:

Ashton David
SEQUOIA UNION ELEM SCHOOL DIST
23958 AVENUE 324
LEMON COVE, CA 93244
adavid@infinitycomm.com

FCC Form 471: 181009036**BEN:** 143872**Wave:** 13**Application Nickname:** Sequoia Union ESD Yr21 B
IIG

Totals

Total Committed	\$0.00
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What is in this letter?

Thank you for submitting your application for Funding Year 2018 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the funding statuses for the FCC Form(s) 471, Services Ordered and Certification Form, that you submitted and referenced above.

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying the full cost for the services you receive.
2. Review the [Children's Internet Protection Act \(CIPA\)](#) requirements and file the [FCC Form 486](#) (Service Confirmation and CIPA Certification Form). **The deadline to submit this form is 120 days from the date of this letter or from the service start date (whichever is later).**



3. Invoice USAC

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Funding Commitment Decision Overview

Funding Year 2018

Application Comments for FCC Form 471: #181009036

The applicant did not submit any RAL corrections.

Funding Commitment Decision Overview

Funding Request Number (FRN)	Service Provider Name	Amount Requested	Amount Committed	Status
1899014438	Pacific Bell Telephone Company	\$49,527.74	\$0.00	Denied



BEN Name: SEQUOIA UNION ELEM SCHOOL DIST **FCC Form 471:** 181009036
BEN: 143872 **Wave:** 13

FRN 1899014438	Service Type Data Transmission and/or Internet Access	Status Denied
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Dollars Committed			
Monthly Cost		One-time Cost	
Months of Service	12		
Total Eligible Recurring Charges	\$70,753.92	Total Eligible One Time Charges	\$0.00
Total Pre-discount Charges		\$70,753.92	
Discount Rate		70.00%	
Committed Amount		\$0.00	

Dates	
Service Start Date	7/1/2018
Contract Expiration Date	6/30/2021
Contract Award Date	4/22/2016
Service Delivery Deadline	6/30/2019
Expiration Date (All Extensions)	

Service Provider and Contract Information	
Service Provider	Pacific Bell Telephone Company
SPIN (498ID)	143002665
Contract Number	C45-263
Account Number	
Establishing FCC Form 470	160007072

Consultant Information	
Consultant Name	Ashton David
Consultant's Employer	Infinity Communications & Consulting
CRN	16043605

Funding Commitment Decision Comments

DR1: On 5/3/2018 your application was denied because you are on Red Light status with the FCC as of March 30, 2018.

EXHIBIT 13

FRN	FRN Status	471 Application Number	BEN	Billed Entity Name	Applicant City	Applicant State	471 Consulting Firm Name	Service Provider Name	Fund Year	Orig Funding Request	Cmt'd Funding Request	Orig FRN Service Type	Wave Number	FCDL Date	FCDL Comment for 471 Application	FCDL Comment for FRN	PC Wave Number	Revised FCDL Date	Post Commitment Rationale	RFCDL Comment
1899001463	Denied	181001076	143872	SEQUOIA UNION ELEM SCHOOL DIST	LEMON COVE	CA	Infinity Communications & Consulting	Tulare County Office Of Education	2018	\$8,400.00	\$0.00	Data Transmission and/or Internet Access	13	7/6/2018	MR1:The applicant did not submit any RAL corrections.	DR1:On 5/3/2018 your application was denied because you are on Red Light status with the FCC as of March 30, 2018.	8:	10/02/2018	<p>8-Pursuant to 47 C.F.R. sec. 1.1910(a)(1), USAC determined that you or an entity sharing the same Taxpayer Identification Number (TIN) has been delinquent on the payment of a debt owed to the Universal Service Administrative Company (USAC) and/or the FCC. We issued a Notice of Withholding Action explaining the nature of the debt(s) owed and the consequences of not satisfying the debt within 30 days of the date of the letter. USAC dismissed your application and denied all funding requests included in that application due to the fact that your debt(s) had not been satisfied. In your appeal, you have not shown that USAC's determination was incorrect. Consequently, your appeal is denied.</p> <p>You have been delinquent on your non-tax debt(s) owed to the FCC. FCC rules require that action be withheld on any application or request for benefits made by an entity found to be delinquent in its debt(s) to the FCC. The rules further state that the entity will be informed that action will be withheld on the application[s] until full payment or arrangement to pay any non-tax delinquent debt owed to the FCC is made and/or that the application may be dismissed. See 47 C.F.R. sec. 1.1910(b)(2). Your appeal has been dismissed - The appeal for FRNs 1899001463 and 1899014438 is a duplicate of 121690 that is currently under review</p>	
1899014438	Denied	181009036	143872	SEQUOIA UNION ELEM SCHOOL DIST	LEMON COVE	CA	Infinity Communications & Consulting	Pacific Bell Telephone Company	2018	\$49,527.74	\$0.00	Data Transmission and/or Internet Access	13	7/6/2018	MR1:The applicant did not submit any RAL corrections.	DR1:On 5/3/2018 your application was denied because you are on Red Light status with the FCC as of March 30, 2018.	8:	10/02/2018	<p>8-Pursuant to 47 C.F.R. sec. 1.1910(a)(1), USAC determined that you or an entity sharing the same Taxpayer Identification Number (TIN) has been delinquent on the payment of a debt owed to the Universal Service Administrative Company (USAC) and/or the FCC. We issued a Notice of Withholding Action explaining the nature of the debt(s) owed and the consequences of not satisfying the debt within 30 days of the date of the letter. USAC dismissed your application and denied all funding requests included in that application due to the fact that your debt(s) had not been satisfied. In your appeal, you have not shown that USAC's determination was incorrect. Consequently, your appeal is denied.</p> <p>You have been delinquent on your non-tax debt(s) owed to the FCC. FCC rules require that action be withheld on any application or request for benefits made by an entity found to be delinquent in its debt(s) to the FCC. The rules further state that the entity will be informed that action will be withheld on the application[s] until full payment or arrangement to pay any non-tax delinquent debt owed to the FCC is made and/or that the application may be dismissed. See 47 C.F.R. sec. 1.1910(b)(2). Your appeal has been dismissed - The appeal for FRNs 1899001463 and 1899014438 is a duplicate of 121690 that is currently under review</p>	